

SUBSTITUTE
ORDINANCE NO. 1283

AN ORDINANCE relating to ornamental pools,
describing conditions and prescribing penalties.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. Definitions. Certain words and phrases used in this
chapter, unless otherwise clearly indicated by their context, mean
as follows:

(1) "Depth" means a perpendicular measurement from the top lip
of the pool to the deepest point.

(2) "Ornamental pool" means any man made structure, basin,
chamber, tank or pool containing an artificial body of water and
having a depth of more than six (6) inches and less than two (2)
feet and whose primary function is for other than swimming, diving
or recreational bathing.

(3) "Wading pool" means any artificial structure, basin, chamber,
tank or pool of water intended and constructed for wading purposes
which is not over two (2) feet in depth at any point.

(4) "Persons" means any individual or a firm, partnership,
company, corporation, trustee, association or any public or private
entity.

SECTION 2. Every person whether as owner, purchaser under
contract, lessee, tenant, or licensee in possession of land upon which
is situated an ornamental pool shall at all times maintain on the
lot or premises upon which such pool is located and completely
surrounding such pool, lot or premises a fence or other solid
structure designed to prevent small children from inadvertently
wandering into the pool. Such fence or other solid structure shall
be not less than three (3) feet in height and shall be constructed
as follows:

(1) For a fence or other solid structure whose chief covering
members are constructed in a vertical direction there shall be no
openings in a horizontal direction of more than four (4) inches.
For a fence of this type there shall be no more than two (2)

horizontal members.

(2) For a fence or other solid structure whose chief covering members are constructed in a horizontal direction there shall be no openings in either a horizontal or vertical direction.

(3) All gates or doors opening through such enclosures shall be equipped with a self-closing and self-latching device designated to keep and capable of keeping such doors or gates securely closed at all times when not in actual use. To prevent a small child from opening such door or gate, the latch shall be installed on the pool side of the gate, provided, however, that the door of any dwelling occupied by human beings and forming any part of the enclosure need not be so equipped.

No self-closing gate required by this section shall have a width in excess of four (4) feet. In no event shall a gate which serves as a driveway qualify as a self-closing gate for the protection of ornamental pools under the requirements of this section.

SECTION 3. The requirements of this ordinance relating to a fence or other solid structure surrounding an ornamental pool on all sides may be waived to the extent that the topographical features of the land upon which the pool is constructed or is proposed to be constructed are such as to make the land inaccessible and unapproachable by an unescorted child from any portion thereof which is unfenced and unenclosed.

SECTION 4. This ordinance applies to ornamental pools on residential dwelling sites on lots of less than two and one-half acres or any other such ornamental pools which would create an unreasonable risk to small children.

Further exemptions are provided as follows:

(1) Any and all ornamental pools that are under six inches in depth are exempted from this ordinance.

(2) Any pool deeper than two (2) feet is required to comply with Section 8.68.020 of the King County Code for fencing of swimming pools.

1 SECTION 5. Notwithstanding any precise requirements of this
2 ordinance, alternate methods of protection and construction of
3 ornamental pools may be utilized provided such alternative methods
4 meet the same essential safety requirements of this ordinance, and
5 it can be demonstrated that such alternate methods are better suited
6 because of peculiar or unusual circumstances and that it is not
7 practical to meet the precise requirements of this ordinance. Such
8 alternates, however, must meet one of the following criteria:

9 (1) For one reason or another the ornamental pool is
10 essentially inaccessible and unapproachable by an unescorted child.

11 (2) The deepest point of the pool is made inaccessible by
12 methods of non-corrosive screening with openings no greater than two
13 inches in diameter or other solid foundation inside the pool but not
14 deeper than six (6) inches from the top of the lip of the pool.
15 Provided, however, that such screening must be of sufficient strength
16 to withstand one hundred (100) pounds of dead weight without breaking
17 or pulling loose from its retaining walls and must be secured in
18 such a manner that it may not be lifted or removed either purposely
19 or inadvertently by a child under seven (7) years of age.

20 (3) The ornamental pool in no place exceeds two (2) feet in
21 depth and has a gradual slope from the outside perimeter of the pool
22 to the approximate center of the pool. For the purpose of this
23 section, gradual slope is defined as a slope ratio of not less than
24 four (4) feet horizontal measurement to each one (1) foot verticle
25 measurement increase.

26 SECTION 6. Enforcement.

27 (a) Administration. The Director of Building is hereby
28 authorized to enforce the provisions of this ordinance.

29 (b) Inspections. The Director of Building and his authorized
30 representative are hereby authorized to make such inspections and
31 take such action as may be required to enforce the provision of this
32 ordinance.

1 (c) Right of entry. Whenever necessary to make an inspection to
2 enforce any of the provisions of this ordinance or whenever the
3 Director of Building or his authorized representative has reasonable
4 cause to believe that any premises, land, or portion thereof is
5 being used in violation of this ordinance, the building official or
6 his authorized representative may enter such premises or a portion
7 thereof at all reasonable times to inspect the same or perform any
8 duty imposed upon the Director of Building by this ordinance,
9 provided that (1) if such premises, land, or portion thereof be
10 occupied, he shall first present proper credentials and demand entry,
11 and (2) if such premises, land, or portion thereof be unoccupied, he
12 shall first make a reasonable effort to locate the owner or persons
13 having charge and control of the premises, land or portion thereof
14 and demand entry.

15 No owner, occupant, or any other person having charge, care or
16 control of any premises, land, or portion thereof shall fail or
17 neglect, after proper demand, to promptly permit entry thereon by
18 the Director of Building or his authorized representative for the
19 purpose of inspection and examination pursuant to this ordinance.
20 Any person violating this subdivision shall be guilty of a
21 misdemeanor.

22 SECTION 7. All violations of this ordinance are determined to
23 be detrimental to the public health, safety, and welfare and are
24 hereby declared to be public nuisances. All conditions which are
25 determined after inspection of the Director of Building to render
26 any premises, land, or portion thereof to be used or maintained in
27 violation of this ordinance shall be abated.

28 SECTION 8. For the purpose of this ordinance, abatement is
29 defined as the termination of any violation by reasonable and lawful
30 means determined by the Director of Building in order that the
31 premises, land or portion thereof shall be made to comply with this
32 ordinance.

1 SECTION 9. Violations. It shall be unlawful for any person to
 2 allow or maintain any premises, land or portion thereof contrary to
 3 or in violation of any of the provisions of this ordinance or any
 4 order issued by the Director of Building hereunder. Any person
 5 violating the provisions of this section shall be guilty of a
 6 misdemeanor for each day such violation continues.

7 SECTION 10. Civil Penalty. In addition to, or as an alternate
 8 to any other penalty provided herein or by law, any person who
 9 violates any of the provisions of this ordinance or by each act of
 10 commission or omission procedures aids or abets such violation shall
 11 incur accumulative civil penalty in the amount of three dollars
 12 (\$3.00) per day per each violation plus billable costs of the
 13 Department of Building from the date set for compliance until such
 14 violation is corrected or such notice of violation or order is
 15 complied with. All civil penalties will be enforced and collected in
 16 accordance with the procedure specified in Ordinance No. 1219 related
 17 to King County Zoning Code.

18 SECTION 11. King County Ordinance No. 1219, Chapter 2, Section
 19 207, and Chapters 3, 4, 5, 6, 7, and 8 describing Appeals, Notice,
 20 and Orders of Director of Building, Procedure for Conduct of Hearing
 21 Appeals, Enforcement of the Order of the Director of Building or the
 22 Board of Appeals, Performance of Work of Abatement and Recovery of
 23 Civil Penalty and Cost of Abatement, are here, by reference, incor-
 24 porated into this ordinance as applicable to the enforcement and
 25 appellate procedures for abating violations as described herein.

26 PASSED by the Council at a regular meeting thereof on the

27 10th day of July, 1972.

28 KING COUNTY COUNCIL
 29 KING COUNTY, WASHINGTON

30 ATTEST:

31 Lee Kraft
 32 Administrator-Clerk of the Council

Phoebe J. Owen
 Chairperson
 DEEMED ENACTED WITHOUT
 COUNTY EXECUTIVE'S SIGNATURE

32 APPROVED this _____ day of _____ DATED: July 21, 1972.